

NO. 26419

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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STATE OF HAWAI'I, Plaintiff-Appellee

vs.

TOD M. CRAIN, Defendant-Appellant

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APPEAL FROM THE FIRST CIRCUIT COURT  
(CR. NO. 02-1-2318)

ORDER GRANTING MOTION TO DISMISS APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon consideration of Defendant-Appellant Tod M. Crain's motion to dismiss his appeal, the declaration of Appellant Crain in support of dismissal, and the records and files herein, it appears: (1) Appellant Crain understands the consequences of dismissing his appeal; and (2) Appellant Crain's request to dismiss his appeal is voluntary. Therefore,

IT IS HEREBY ORDERED that Defendant-Appellant Tod M. Crain's motion to dismiss his appeal is granted, and this appeal is dismissed pursuant to HRAP Rule 42(c).

DATED: Honolulu, Hawai'i, September 28, 2004.

Jacob M. Merrill  
for defendant-appellant  
on the motion